IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

-

WRIT PETITION NO : 27905 of 1995

Between:

Sunku Pedda Subrahmanyam, S/o. Subbaiah,

R/o. 4/24, Papampet, Anantapur.

..... PETITIONER

AND

1 The District Collector,
Anantapur, Anantapur District.
2 Mandal Revenue Officer,
Anantapur, Anantapur District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction or a writ more particularly one in the nature of Mandamus or any suitable writ declaring the action of the respondents in not effecting changes in the Revenue Records in pursuance of Settlement Officers orders in his proceedings S.R.No.43/15(1)/82/ATP, dated 16.1.1998 with regard to lands situated at S.No.42-2 over an extant AC.4.84 cents, at Papampet, Anantapur as illegal, arbitrary, unreasonable and unconstitutional consequently direct the respondents to enter the name of the petitioner in the revenue records as pattadar.

Counsel for the Petitioner: MR.C. KODANDA RAM

Counsel for the Respondent Nos 1 and 2.: GP FOR LAND ACQUISITION

The Court made the following :

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 27905 of 1995

ORDER:

The present writ petition has been filed by the petitioner questioning the inaction of the 2nd respondent in not affecting changes in the revenue records in respect of land belonging to his mother in pursuance of the proceedings S.R.No.43/15(1)/82/ATP, dated 16.1.1988 issued by the Settlement Officer, Nellore, as illegal and arbitrary.

It is the case of the petitioner that the land of Ac.4.84 cents situated in S.No.42.2 at Papumpet, Anantapur District, was purchased by his mother and in spite of many representations, the revenue authorities has not affected necessary changes in the revenue records. While so, the 2nd respondent provided house sites to the Nayee Bramhana Sangam in the above said land. On coming to know about the grant of pattas in favour of the Nayee Bramhana Sangam and also about the writ petition filed by the Nayee Bramhana Sangam in W.P.No.19955 of 1995 seeking demarcation of plots and delivery of possession, the petitioner got impleaded as third party in the said writ petition. The learned single Judge of this Court disposed of the said writ petition in favour of the Nayee Bramhana Sangam. Having aggrieved by the same, the petitioner has preferred a writ appeal in W.A.No:1448 of 1995 and the same was allowed setting aside the order of the learned single Judge. Hence, the petitioner is constrained to file the present writ petition.

Heard the learned counsel.

Besides placing reliance on the decision of a Division Bench of this Court in W.A.No.1448 of 1995, the learned Counsel for the petitioner contended that inaction of the respondents in not effecting changes in the revenue records in spite of their representations is illegal and hence, sought for a direction to the respondents to make necessary entries in the revenue records.

On a perusal of the record and the order in W.A.No.1448 of 1995, it is apparent that a Division Bench of this Court has simply set aside the order of the learned single passed in W.P.No.19955 of 1995, dated 5.9.1995 subject to some observations

made therein. However, it does not contemplate any direction to the respondents with regard to the mutation of records.

Admittedly, having considered the documentary evidence, the Settlement Officer has issued a settlement patta in favour of the mother of the petitioner during the year 1988, but in spite of the representations and the legal notice during the year 1995, he has failed to consider the same. It is not known as to why the petitioner has kept quiet immediately after the issuance of the settlement patta for taking steps to mutate the records. Having slept over the matter for about more than seven years, he has simply approached this Court for the relief in question without availing the remedy before the appropriate authorities. It is within the domain of the authorities for affecting mutation basing on the documentary evidence available before them. In this background of the matter, this Court cannot invoke the jurisdiction of this Court under Article 226 of the Constitution of India and as such, this writ petition is devoid of merits and the same is liable to be dismissed.

In the result, the writ petition is dismissed. No order as to costs.

24th March, 2005

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Copy to:

1. The District Collector, Anantapur, Anantapur District.
2. The Mandal Revenue Officer, Anantapur Mandal, Anantapur District.
3. Two C.Cs to the Government Pleader for Land Acquisition, High Court Buildings, High Court of A.P., Hyderabad.

(O.U.T.)

4. Two C.D. Copies.